



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/720,633

11/24/2003

Mahesh Rajagopalan

03-1021

4254

32127 7590 09/23/2010

VERIZON LEGAL DEPARTMENT
PATENT MANAGEMENT GROUP
1320 N. COURTHOUSE ROAD
9TH FLOOR
ARLINGTON, VA 22201-2525

EXAMINER

GAY, SONIA L

ART UNIT

PAPER NUMBER

2614

NOTIFICATION DATE

DELIVERY MODE

09/23/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@VERIZON.COM

Office Action Summary	Application No. 10/720,633	Applicant(s) RAJAGOPALAN ET AL.	
	Examiner SONIA GAY	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/02/2010</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims pending in the application are 1 -14, 17 - 31, 33, 34, 36 - 39, 52 - 65, 68 - 82, 84, 85, 87 - 90, 103, 104, 106, 107, 109, 110, 112, 113, 115 - 128.

Continuation of Disposition of Claims: Claims rejected are 1 -14, 17 - 31, 33, 34, 36 - 39, 52 - 65, 68 - 82, 84, 85, 87 - 90, 103, 104, 106, 107, 109, 110, 112, 113, 115 - 128.

DETAILED ACTION

This action is in response to Amendment filed 1/19/2010. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Response to Amendment

1. Applicant's amendment filed on July 1, 2010 has been entered. Claims 1, 8, 17, 33, 52, 59, 68, 84, 103, 104, 106, 107, 109, 110, 112, 113, 123 and 124 have been amended. No claims have been canceled. No claims have been added. Claims 1-14, 17-31, 33 - 34, 36-39, 52- 65, 68 - 82, 84 - 85, 87 - 90, 103- 104, 106 - 107, 109 - 110, 112, 113, and 115- 128 are still pending in this application.

Claim Rejections - 35 USC § 103

2. Claims 1 - 14, 52 - 65, 103, 106, 109, 112, 115, 118, 123 – 125 and 127 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berkley et al. (US 6,546,005) in view of Kahane et al. (US 6,711,158), and further in view of Parsons et al. (US 2002/0085701).

For claims 1, 52, 103, 106, 109, and 112, Berkley et al. discloses a method, an apparatus with means for , a computer-readable medium, and system for routing a communication to a preferred device (Abstract; column 5 lines 11 – 25; column 6 lines 50 – column 7 line 8), comprising: a voice network (column 5 lines 62 – column 6 line 15); a data network (column 5 lines 62 – column 6 line 15); and a service center operable to receive a communication from a calling party to a device associated with a particular user being contacted by the calling party (*Active User Registry system*, Fig.1, 170, column 5 lines 11 - 60; column 10 lines 20 – 25, lines

Art Unit: 2614

53 - 59); access information pertaining to the communication (column 10 lines 25 – 36); retrieve data corresponding to the user being contacted by the calling party using the information pertaining to the communication (column 6 lines 50 – column 7 lines 51; column 9 lines 10 – column 10 lines 4, 25 - 40, 59- column 11 line 4); determine a preferred device of the user being contacted by the calling party based on the retrieved data, wherein the preferred device is one of a plurality of devices associated with the user (column 10 lines 36 - 45, 65 - column 11 line 4); and, determine whether the preferred device of the user being contacted by the calling party requires a different data format than a device used by the calling party to initiate the communication (column 11 lines 55 – column 12 line 48). Yet, Berkley fails to teach wherein the preferred device is overridden when the retrieved data reflects selection of an override mode; and contact information is sent for the calling party to the preferred device of the user in the data of the preferred device, when the preferred device of the user requires a different data format than the device used by the calling party to initiate the communication.

However, Berkley et al. discloses a method for the purpose of routing a communications to a preferred device wherein contact information can be transmitted to endpoint, telephony device for the purpose of establishing a communication session (column 11 lines 18 – 40).

Moreover, Kahane et al. discloses a method for the purpose of routing a communication to a preferred device wherein a preferred device is overridden when the retrieved data reflects selection of an override mode (the time limitation in the current policy as the override mode for the preferred device of the default policy, Abstract; column 2 lines 20 – 59; column 4 lines 32 – 53; column 5 lines 4 – 60; column 6 lines 20 – 36, 54 – 58).

Art Unit: 2614

Additionally, Parsons et al. discloses a system, method, and apparatus for the purpose of routing a communication to a preferred device wherein contact information for a calling party is sent to a user's preferred device in the format of the preferred device when the data format required by the calling party and user's preferred terminal are different (*"call me" message can be appended with caller's phone number... if the user has configured a context such that no phone is immediately attempted for the incoming call, processing advances to block 914 where the list of remaining options for the incoming call is examined to determine whether any of the devices is unavailable... and the edited list of available options is played to the incoming caller via an IVR.. these options include sending a text message* , Abstract; [0029 – 0030] [0041][0046 – 0049] [0087] [0088 - 0091] [0099]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Berkley et al. with the teachings of Kahane et al. and Parsons et al. so that the retrieved data disclosed above in Berkley et al. can further comprise a current policy with a time limitation and default policy defined for the user wherein the current policy with time limitation functions as an override mode for a preferred device that is specified in the default policy for the purpose of providing an efficient, communication device independent system which allows a user to modify call routing procedures according to different circumstances (Kahane et al., column 7 lines 36 - 41); and, the format conversion process disclosed in Berkley et al. (column 12 lines 66 – column 13 line 16) appends contact information to text messages that have been converted from voice messages for the purpose of enabling the user to contact the calling party in the device format of the calling party, i.e. when the only, available device for a calling party is a text receiving device.

For claims 2 and 53, Berkley et al. further discloses wherein retrieving data comprises: accessing a database for call preference information corresponding to the user (Berkley et al., column 6 lines 50 – column 7 line 51; column 9 line 10 – column 10 line 4).

For claims 3 and 54, Berkley et al. further discloses wherein the call preference information comprises an indication of a device to which communications should be forwarded (Berkley et al., column 6 lines 50 – column 7 line 51; column 9 line 10 – column 10 line 4).

For claims 4 and 55, Berkley et al. further discloses wherein determining a preferred device comprises: specifying the preferred device to be a device indicated in the call preference information (Berkley et al., column 6 lines 50 – column 7 line 51; column 9 line 10 – column 10 line 4).

For claims 5 and 56, Berkley et al. further discloses wherein determining a preferred device comprises: specifying the preferred device to be a predetermined default device (Berkley et al., column 6 lines 50 – column 7 line 51; column 9 line 10 – column 10 line 4).

For claims 6 and 57, Berkley et al. further discloses wherein determining a preferred device comprises: specifying the preferred device to be a device last used by the user (Berkley et al., column 6 lines 50 – column 7 line 51; column 9 lines 10 – column 10 line 4).

For claims 7 and 58, Berkley et al. further discloses wherein determining a preferred device comprises: specifying the preferred device based on information reflecting a time period during which a particular device is the preferred device (Berkley et al., column 6 lines 50 – column 7 line 51; column 9 line 10 – column 10 line 4).

Art Unit: 2614

For claims 8, 9, 59, and 60, Berkley et al. and Kahane et al. further disclose routing the communication to the preferred to the voice mail based on a determination that the user is associated with a do not disturb mode (Berkley et al., column 9 lines 63 - column 10 line 16)(Kahane et al., column 6 lines 28 – 37).

For claims 10 and 61, Berkley et al. further discloses routing the communication to the preferred device without reformatting the communication if the preferred device does not require a different data format (Berkley et al., column 10 lines 32 – 43).

For claims 11 and 62, Berkley et al. further discloses the data format of the device of the calling party comprises voice data and the data format of the preferred device of the user comprises text data, or vice versa (Berkley et al., column 12 lines 66 – column 13 line 16).

For claims 12 and 63, Berkley et al. further discloses sending a request for the data format of the device used by the calling party (Berkley et al., *the AUR responds by presenting an access menu to the subscriber*, column 10 lines 20 -36).

For claims 13 and 64, Berkley et al. further discloses providing the device associated with the calling party with a graphical interface for use in entering the communication (Berkley et al., column 10 lines 20 -36).

For claims 14 and 65, Berkley et al. further discloses wherein reformatting the communication comprises: automatically converting incoming data associated with the communication to new incoming data with the data format of the preferred device of the user (Berkley et al., column 12 lines 36 – column 13 line 16).

For claims 115 and 118, Berkley et al. further discloses wherein determining a preferred device comprises: specifying the preferred device based on information reflecting the user's

Art Unit: 2614

location (Berkley et al., column 6 lines 50 – column 7 line 51; column 9 line 10 – column 10 line 4).

For claims 123 and 124, Berkley et al. and Kahane et al. further disclose wherein receiving a communication comprises: detecting at a switch in a voice network a communication from the calling party directed to the user at a calling number associated with the user; and intercepting the communication upon detecting an intercept trigger associated with the communication (Berkley et al., dialing a telephone number corresponding to the AUR system, column 10 lines 53 – 59) (Kahane et al., column 4 lines 32 – 44; column 5 lines 4 - 20, 30 – 55).

For claims 125 and 127, Berkley et al. further discloses wherein sending a request comprises: presenting an appropriate overlay to communicate with the preferred device of the user (Berkley et al., column 12 lines 36 – column 13 line 16).

3. Claims 17 – 24, 33 - 34, 36 - 39, 68 – 75, 84 – 85, 87- 90, 104, 107, 110, 113, 116, and 119, 126, and 128 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Berkley et al. (US 6,546,005) in view of Kahane et al. (US 6,711, 158), and further in view of Gudjonsson et al. (US 6,564,261).

For claims 17, 68, 104, 107, 110, and 113, Berkley et al. discloses a method, an apparatus, a computer-readable medium, and system for routing a communication to a preferred device (Abstract; column 4 lines 54 – column 5 line 18), comprising: a voice network (column 5 lines 62 – column 6 line 15); a data network (column 5 lines 62 – column 6 line 15); and a service center operable to receive information pertaining to a communication to the user from a calling party, the communication to the user being initiated by an action of the calling party on

Art Unit: 2614

the data network (*Active User Registry system*, Fig.1, 170, column 5 lines 11 - 60; column 10 lines 20 - 25, lines 53 - 59; column 11 lines 18 - 31); retrieve data corresponding to the user using the received information (column 6 lines 50 - column 7 lines 51; column 9 lines 10 - column 10 lines 4, 25 - 40, 59- column 11 line 4); determine a preferred device of the user based on the retrieved data, wherein the preferred device is one of a plurality of devices associated with the user (column 10 lines 36 - 45, 65 - column 11 line 4); determine whether the preferred device of the user requires a different data format than a device used by the calling party to initiate the communication (column 11 lines 55 - column 12 line 48); and route the communication to the preferred device of the user, when the preferred device of the user accepts the data format of the device used by the calling party to initiate the communication (column 12 lines 18 - 35). Yet, Berkley et al. fails to teach wherein the preferred device is overridden when the retrieved data reflects selection of an override mode; and sending information to the calling party indicating that the calling party should contact the user at the preferred device, when the preferred device of the user requires a different data format than the device used by the calling party to initiate the communication.

However, Kahane et al. discloses a method for the purpose of routing a communication to a preferred device wherein a preferred device is overridden when the retrieved data reflects selection of an override mode (the time limitation in the current policy as the override mode for the preferred device of the default policy, Abstract; column 2 lines 20 - 59; column 4 lines 32 - 53; column 5 lines 4 - 60; column 6 lines 20 - 36, 54 - 58).

Moreover, Gudjonsson et al. discloses a system and method for the purpose of establishing communication sessions between users over various networks wherein information

Art Unit: 2614

is sent to the calling party indicating that the calling party should contact the user at the preferred device of the user, when the preferred device requires a different data format that the device used by the calling party to initiate the communication (Abstract; column 25 lines 43 – 63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Berkley et al. with the teachings of Kahane et al. and Gudjonsson et al. so that the retrieved data disclosed above in Berkley et al. can further comprise a current policy with a time limitation and default policy defined for the user wherein the current policy with time limitation functions as an override mode for a preferred device that is specified in the default policy for the purpose of providing an efficient, communication device independent system which allows a user to modify call routing procedures according to different circumstances (Kahane et al., column 7 lines 36 - 41); and, the information which is transmitted (Berkley et al., column 12 lines 50 – 55) comprises contact information for the purpose of indicating to the calling party that they should contact the user at the preferred device of the user, when the preferred device of the user requires a different data format than the device used by the calling party.

For claims 18 and 69, Berkley et al. further discloses wherein the action comprises clicking on a hyperlink (Berkley et al., column 11 lines 28 – 31).

For claims 19 and 70, Berkley et al. further discloses wherein retrieving data comprises: accessing a database for call preference information corresponding to the user (Berkley et al., column 6 lines 50 – column 7 line 51; column 9 line 10 – column 10 line 4).

Art Unit: 2614

For claims 20 and 71, Berkley et al. further discloses wherein the call preference information comprises an indication of a device to which communications should be forwarded (Berkley et al., column 6 lines 50 – column 7 line 51; column 9 line 10 – column 10 line 4).

For claims 21 and 72, Berkley et al. further discloses wherein determining a preferred device comprises: specifying the preferred device to be a device indicated in the call preference information (Berkley et al., column 6 lines 50 – column 7 line 51; column 9 line 10 – column 10 line 4).

For claims 22 and 73, Berkley et al. further discloses wherein determining a preferred device comprises: specifying the preferred device to be a predetermined default device (Berkley et al., column 6 lines 50 – column 7 line 51; column 9 line 10 – column 10 line 4).

For claims 23 and 74, Berkley et al. further discloses wherein determining a preferred device comprises: specifying the preferred device to be a device last used by the user (Berkley et al., column 6 lines 50 – column 7 line 51; column 9 line 10 – column 10 line 4).

For claims 24 and 75, Berkley et al. further discloses wherein determining a preferred device comprises: specifying the preferred device based on information reflecting a time period during which a particular device is the preferred device (Berkley et al., column 6 lines 50 – column 7 line 51; column 9 line 10 – column 10 line 4).

For claims 33, 34, 84, and 85, Berkley et al. and Kahane et al. further disclose routing the communication to the preferred to the voice mail based on a determination that the user is associated with a do not disturb mode (Berkley et al., column 9 lines 63 - column 10 line 16) (Kahane et al., column 6 lines 28 – 37)..

Art Unit: 2614

For claims 36 and 87, Berkley et al. further discloses the data format of the device of the calling party comprises voice data and the data format of the preferred device of the user comprises text data, or vice versa (column 12 lines 66 – column 13 line 16).

For claims 37 and 88, Berkley et al. further discloses sending a request for the data format of the device used by the calling party (*the AUR responds by presenting an access menu to the subscriber*, column 10 lines 20 -36).

For claims 38 and 89, Berkley et al. further discloses providing the device associated with the calling party with a graphical interface to use in entering the communication (Berkley et al., column 10 lines 20 - 36).

For claims 39 and 90, Berkley et al. further discloses wherein reformatting the communication comprises: automatically converting incoming data associated with the communication to new incoming data with the data format of the preferred device of the user (Berkley et al., column 12 lines 36 – column 13 line 16).

For claims 116 and 119, Berkley et al. further discloses wherein determining a preferred device comprises: specifying the preferred device based on information reflecting the user's location (column 6 lines 50 – column 7 line 51; column 9 line 10 – column 10 line 4).

For claims 126 and 128, Berkley et al. further discloses wherein sending a request comprises: presenting an appropriate overlay to communicate with the preferred device of the user (Berkley et al., column 12 lines 36 – column 13 line 16).

4. Claims 25-31, 76-82, 117, and 120-122 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berkley et al. (US 6,546,005) in view of Kahane et al. (US 6,711,158),

Art Unit: 2614

and further in view of Gudjonsson et al. (US 6,564,261), and further in view of Frey et al. (US 6,535,596).

For claims, 25-28 and 76-79, the combination of Berkley et al., Kahane et al., and Gudjonsson et al. fails to teach retrieving data corresponding to the calling party; and determining a preferred device of the calling party based on the retrieved data. However, Frey discloses a method for processing calls based on the calling party's profile wherein data corresponding to the calling party is retrieved from a database and preferences for the calling party are determined (Abstract; column 14 lines 13-26).

Therefore, it would have been obvious for one of ordinary skill in the art at the time of applicant's invention to modify the combination of Berkley et al., Kahane et al., and Gudjonsson et al. with the teachings of Frey to store calling party preferences, i.e. preferred device in a database for the purpose of processing calls based on the calling party's profile.

For claims 29 and 80, Berkley et al. and Frey further disclose specifying the preferred device of the calling party to be a predetermined default device (Berkley et al., column 6 lines 50 – column 7 line 51; column 9 line 10 – column 10 line 4) (Frey, column 10 lines 20- 40).

For claims 30 and 81, Berkley et al. and Frey further disclose specifying the preferred device of the calling party to be the device last used by the calling party (Berkley et al., column 6 lines 50 – column 7 line 51; column 9 line 10 – column 10 line 4) (Frey, column 10 lines 20- 40).

Art Unit: 2614

For claims 31 and 82, Frey further discloses specifying the preferred device of the calling party based on information reflecting a time period during which a particular device is the preferred device of the calling party (Frey, column 11 lines 1-12).

For claims 117 and 120, Berkley et al. and Frey further disclose wherein determining a preferred device comprises: specifying the preferred device based on information reflecting the user's location (Berkley et al., column 6 lines 50 – column 7 line 51; column 9 line 10 – column 10 line 4) (Frey, column 10 lines 20- 40).

For claims 121 – 122, Berkley et al. further discloses wherein the predetermined default device is the device used by the calling party to initiate the communications (Berkley et al., Berkley et al., column 10 lines 20 – 40, 57 - 65; column 12 lines 43 - 49).

Response to Arguments

5. Applicant's arguments with respect to the rejection of claims 1 – 14, 17 – 24, 33, 34, 36, 39, 52- 65, 68 – 75, 84, 85, 87 – 90, 103 – 107, 109, 110, 112, 113, 115, 116, 118, 119, and 123-128 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2614

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SONIA GAY whose telephone number is (571)270-1951. The examiner can normally be reached on Monday to Thursday from 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sonia Gay/
Examiner, Art Unit 2614
September 15, 2010

/Ahmad F Matar/
Supervisory Patent Examiner, Art Unit 2614